

Remarks/Arguments:

By this Amendment, Applicants have amended claim 15 and added new claims 45-50. Claims 1-50 are pending.

Claim Rejections Under Section 103

Claims 1-20 and 32-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamagishi. Applicants respectfully traverse this Section 103(a) rejection.

Claims 1, 3, 7, 15, 16, 32, 33, 36, 38 and 41 are independent claims. Claim 2 is dependent on claim 1. Claims 4-6 are dependent on claim 3. Claims 8-14 are dependent on claim 7. Claims 18, 21 and 24 are dependent on claim 15. Claims 17, 19, 20, 22, 23, 25, and 26 are dependent on claim 16. Claims 34 and 35 are dependent on claim 33. Claim 37 is dependent on claim 36. Claims 39 and 40 are dependent on claim 38. And claims 42-44 are dependent on claim 41.

Turning first to independent claim 1, it is directed to a data processing apparatus which includes among its features, the following:

- **wherein a user's input entered in the image display apparatus is received through the wireless unit, and**
- **image data of an image to be displayed by the image display apparatus is generated in the data processing apparatus as a result of data processing based on the received result, and is transmitted to the image display apparatus through the wireless unit.**

It is Applicants' contention that these features are neither taught nor suggested in the Yamagishi Patent.

In Applicants' claimed invention, the data processing apparatus is in wireless-communication with an image display apparatus. The image display apparatus receives a user's input which is sent by wireless-communication to the data processing apparatus and based on the user's input, the data processing apparatus generates image data of an image to be displayed on the image display apparatus. And the data processing apparatus

wirelessly transmits the image data to the image display apparatus. The Office Action readily admits at page 2 that this feature of Applicants' claim 1 is not taught in the Yamagishi Patent by the statement that "Yamagishi does not explicitly teach that image data is generated in the data processing apparatus." (Emphasis added.) Applicants' agree with the Examiner on this point, and take the position that the Yamagishi Patent teaches nothing more than a conventional image display which is described in Applicants' specification as follows:

Herein, the difference from the prior art of the data processing apparatus and image display apparatus connected through wireless-communication is as follows: In the conventional system, the data processing apparatus side sends a drawing command to the image display apparatus side, and the image display apparatus side generates and displays the image data according to this drawing command.

See page 14, lines 1-6 of the subject application. (Emphasis added.)

The Yamagishi Patent does nothing more than describe a conventional image display as discussed in the above quoted portion of Applicants' claimed invention, and in support of this position Applicants point to the following passages in the Yamagishi Patent which describe an image display which is nothing more than a conventional image display.

Moreover, such the image formation apparatus has a printer function for visibly outputting data generated by a computer or the like, and thus converts a document or the like generated by each of computers 140, 142, 144, 146, 148 and the like into image formation command data. Then, the obtained command data is sent or transferred to each or all of the image formation apparatuses, via wireless (or radio) networks 152, 154, 156, 160, 164 and the like, the wireless base stations 112, 114 and 116, the LAN 110, and wireless (or radio) networks 150, 158, 162, 166 and the like. The image formation apparatus to which the image formation command data has been transferred develops the image formation command data to bit-map

image data and then prints the image data on a recording paper (or sheet). (Col. 3, line 5 to col. 4, line 5.) (Emphasis added.)

An image development unit (to be referred as an RIP (raster image processor) hereinafter) 205 is a functional unit which receives the image formation command input by an external interface connected to a later-described computer and then converts it into the bit-map image data, in accordance with contents of the image formation command. The image formation command is input from the high-speed CPU bus 204 and used to output the image to a high-speed image bus 216 described later. (Col. 4, lines 42-50.) (Emphasis added.)

For example, in a case where the printing process is performed by the image formation apparatus 134, image formation command data (to be used for the image formation) is transferred to the image formation apparatus 134 via the wireless network 160, the wireless base station 114 and the wireless network 162. Then, the image formation apparatus 134 to which the image formation command data has been transferred develops such the image formation command data into the bit-map image data, to perform printing (step S113). (Col. 10, line 61 to col. 11, line 3.) (Emphasis added.)

Based on the foregoing remarks, Applicants respectfully submit that it is clear that the Yamagishi Patent does not teach the above noted feature of Applicants' claim 1 relative to the user's input being entered at the image display apparatus and being wireless received by the data processing apparatus so that the image data thereby processed is then wirelessly transmitted to the image display apparatus for display. It is clear from page 2 of the Office Action that the Examiner agrees on this point. But the Examiner goes on to say that "it would have been obvious to one of ordinary skill in the art to generate an image formation at the data processing level because it would be economical since there will be no need to have the image formation apparatus." Applicants respectfully disagree with this position. The position stated by the Examiner is nothing more than a mere conclusion and is not based on any evidence or suggestion or motivation in the Yamagishi Patent. From the

above quoted portions of the Yamagishi Patent it is clear that Yamagishi only discloses a conventional image display, and nothing more. The Examiner has done nothing more than use Applicants' own invention against Applicants, and merely stating that it is obvious to do such without setting forth any evidence which supports this reasoning. This is hindsight reconstruction of Applicants' claimed invention, which is not the proper basis for a Section 103 rejection.

In rejecting claims under Section 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. If the Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. In re Rijckaert, 9F.3d 1531, 1532 (Fed. Cir. 1993). A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to one skilled in the art. In re Rijckaert, 9F.3d 1531, 1532 (Fed. Cir. 1993). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. In re Bond, 910F.2d 831, 834 (Fed. Cir. 1990). The Section 103 rejection simply does not meet this burden. That is to say, the teaching of the Yamagishi Patent in and of itself and without the benefit of Applicants' disclosure does not make Applicants' invention obvious.

Moreover, the Examiner cannot merely state a conclusion without any support for that conclusion in order to substantiate a Section 103 rejection. Since the Yamagishi Patent does not provide the suggestion or motivation for the Section 103 rejection, it is respectfully submitted that the burden is on the Examiner to provide some authority supporting the Examiner's assertion or to provide an affidavit pursuant to 37 CFR 1.104(b) if such assertion is based on facts within the Examiner's knowledge.

Based on the foregoing remarks, Applicants respectfully submit that independent claim 1 and dependent claim 2 are patentably distinguished from the Yamagishi Patent. It is Applicants further contention that dependent claims 3, 7, 15, 32, and 33 in a similar manner include the features noted above with respect to claim 1 and are therefore patentably distinguished (along with the claims dependent thereon) from the Yamagishi Patent.

Independent claim 16 is directed to an image display apparatus and includes among its elements the following:

- **image update detecting means for detecting and updating the image data displayed in the display means, and**
- **updated image storage control means for additionally storing, in the storage means, the image data displayed by the display means in the storage means in response to detecting the updating of the image data by the image update detecting means.**

The above noted features of the image update detecting means and the updated image storage control means have generally been referred to in the Amendment dated January 20, 2003 as the "Update Feature." Applicants will continue referring to these features as the Update Feature.

In rejecting claim 16 at page 4 of the Office Action, the Examiner readily admits that the Update Feature is not taught in the Yamagishi Patent when he states that "Yamagishi does not teach an update image storage control." Applicants agree on this point. But the Examiner goes on to state that "it would have been obvious to one of ordinary skill in the art to utilize and update image control as claimed because it would provide the ability to generate high quality updated display for the user." Applicants respectfully disagree with this point. First, there is simply no teaching or suggestion in the Yamagishi Patent for the results noted in the above quote of providing "the ability to generate high quality updated display for the user." This result is not suggested in the Yamagishi Patent nor is it suggested in the present application. Second, it is Applicants' contention that the above noted quotation from page 4 of the Office Action is nothing more than a conclusion based on hindsight reconstruction of Applicants' claimed invention and is not a proper basis for a Section 103 rejection.

In sum, the above noted quote is flawed as the basis for an obviousness rejection for the same reasons noted above with respect to the Examiner's rejection of claim 1. Accordingly, it is Applicants position that claim 16, as well as the claims dependent thereon, is neither anticipated nor obvious in view of the Yamagishi Patent. And if the Examiner wishes to continue his rejection of claim 16 on this basis, Applicants request that the Examiner provide an affidavit to which the Applicants can make an appropriate response.

Independent claim 36 includes the following feature:

- **wherein a user's input for operating the data processing apparatus entered in the image display apparatus is received through the wireless unit.**

Applicants submit that this feature is not taught or suggested in the Yamagishi Patent. Figures 1 and 2 of the Yamagishi Patent show an image formation apparatus 132 which sends an image scanned by scanner unit 218. But this scanned image is not the user's input as required in the above noted feature of Applicants' claim 36. The Yamagishi Patent simply does not disclose a user's input received by an image formation apparatus which generates an image formation command. Lacking this feature, the Yamagishi Patent can neither anticipate nor render obvious independent claim 36, as well as dependent claim 37.

It is Applicants further contention that independent claims 38 and 41, as well as the claims dependent thereon, also in a similar manner include the feature noted above with respect to independent claim 36. Thus independent claims 38 and 41 and the claims dependent thereon are likewise patentably distinguished from the Yamagishi Patent.

Based on the foregoing remarks, Applicants request that the Section 103 rejection directed to claims 1-20 and 32-44 be withdrawn.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's finding that claims 21-26 include allowable subject matter and would be allowed if rewritten in independent form. Applicants submit, however, that dependent claims 21-26 are dependent on claims which are themselves in condition for allowance and therefore there is no need to amend claims 21-26 in independent form.

Applicants also note with appreciation the Examiner's finding that claims 27-31 are allowed.

Newly Added Claims

By this Amendment, Applicants have added new claims 45-50. These claims are not the addition of matter. More specifically, claim 45 is the combination of claim 15 with claim

21 which the Examiner has found to include allowable subject matter. Claim 46 is dependent on claim 45 and is comparable to claim 18.

New claim 47 is the combination of independent claim 16 and dependent claim 22 which has been found to include allowable subject matter. Claims 49-50 are dependent on claim 47 and are respectively comparable to claims 17, 19, and 20.

It is Applicant's position that because claims 45-50 include allowable subject matter, they should be found in condition for allowance.

In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 1-20 and 32-50 are in condition for allowance. And claims 21-31 have been allowed or have been found to include allowable subject matter. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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